

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JONATHAN MONSARRAT,)
Plaintiff and Defendant in counterclaim,)
v.) CIVIL ACTION NO. 17-cv-10356-PBS
BRIAN ZAIGER)
Defendant and Plaintiff in counterclaim)
)

AFFIDAVIT OF JONATHAN MONSARRAT

I, Jonathan Monsarrat, on oath depose and state as follows:

1. This supplements my October 23, 2017 affidavit, Doc. 52, and my February 12, 2018 affidavit, Doc. 105. I am an entrepreneur developing an interactive video game for which I have been seeking capital from investors. The video game will be marketed to young people including teenagers of both sexes. I submit this affidavit in support of my opposition to Zaiger's March 12, 2018 motion for attorney's fees.

2. The false accusations about me on the Encyclopedia Dramatica website have appeared elsewhere on the internet and have caused me, and continue to cause me, prejudice in my business and social relationships, have adversely affected my video game entrepreneurial efforts to develop products to be marketed to young people of both sexes and have adversely affected my reputation.

3. The presence on the internet of the false accusations about me made on the Encyclopedia Dramatica website have been stated as the reason for declining to invest in my

company or as a substantial concern by a number of prospective investors. By way of example and not limitation two examples were post introduction telephone discussions on December 1, 2016 Christopher [REDACTED] a founding general partner of [REDACTED] a Cambridge Massachusetts based venture capital firm focusing on investments in early stage technology and on April 4, 2017 W. [REDACTED] a partner of [REDACTED] a west coast venture capital firm focusing on investments in the internet and mobile markets.

4. Even after the spring of 2017 when the so-called jonmon page was taken down from the Encyclopedia Dramatica website, the presence on the internet of statements and/or insinuations referencing those false accusations, including based on one or more Google™ searches the legal defense fund raising page allegedly posted by or on behalf of Zaiger, have negatively impacted my business. In October 2017, one international, London, England, investment firm informed me:

Thank you for taking the time to put together the materials for our Investment Committee.

After careful discussion with our team, we will have to pass on the Monsarrat investment opportunity. While we are a huge fan of what you are building, your track record, your team, and the partnership you've inked with the [REDACTED], we ultimately decided to pass due to the negative press you have received in the past{t} as we have found that this can have an impact on equity crowdfunding raises given their very public nature.

Please note, this was a very difficult decision for us to make. We are big believers in Monsarrat and your vision and expect you will be a force to be reckoned with in the AR gaming space.

5. On February 19, 2018 one of my key advisors, a well-known software engineer who formerly held a senior technical position with Google and who I had anticipated to take a lead position in my start-up company, Andrew [REDACTED] informed me in writing:

Mon, 19 Feb 2018 16:49:54 -0800 (PST)
In-Reply-To: <[REDACTED].com>
References: <[REDACTED] .com>

From: [REDACTED] [REDACTED] @gmail.com>
Date: Mon, 19 Feb 2018 16:49:53 -0800
Subject: Re: [REDACTED]- Monsarrat update

Hi Johnny, this is a rather awkward email to have to write. While doing due diligence, I found quite a bit of information online about some of your previous activities that make me very uncomfortable. Although it may be hearsay, I do not want my name associated with it in any way, nor do I want the appearance of my name to be taken as an implicit endorsement of this kind of behavior. I'm afraid I need to resign as an advisor, effective immediately.

I'm sorry that I wasted your time by not figuring this out earlier. I wish you the best of luck with this and future projects.

---[REDACTED]

6. On October 18, 2017, in connection with my motion to file an amended complaint, my counsel had filed a separate motion to keep out of the public record of the case the entirety of Exhibits C and D to that proposed amended complaint in order “[t]o avoid publishing in the public record what may well constitute child pornography.” Doc. 44 at 3. On October 20, 2017, Zaiger filed an opposition. In opposing the motion to seal, Zaiger’s lawyers filed the two exhibits and redacted the pornographic advertisement’s images at the end of the so-called jonmon page. These scandalous exhibits contain false and defamatory statements about me which the Court subsequently ruled to be speech promoting or collateral to child pornography. These scandalous exhibits along with all the filings in this case are published on the internet. See <https://www.courtlistener.com/docket/4614081/monsarrat-v-gotper6067-00001/>. On October 23, 2017, my counsel filed an emergency motion to strike from the public record these scandalous exhibits. See my October 23, 2017 affidavit, Doc. 52. On October 23, 2017, Zaiger’s counsel, the Randazza Legal Group, filed an opposition which features further scandalous allegations about me. That same day a website called “Above the law” which stated that Randazza Legal Group is its legal counsel, published Zaiger’s opposition to the motion to

strike. <https://abovethelaw.com/wp-content/uploads/2017/10/Jonmon-opposition-to-strike.pdf>.

On October 31, 2017 another website published statements reputedly made by Marc Randazza of the Randazza Legal Group which characterize my motion seeking “an Order to strike exhibits on the public docket” as “frivolous.” The article concludes with a link to Above the Law:

See details about the lawsuit and the full text of defendant’s opposition to plaintiff’s emergency motion to strike filed by Marc Randazza on Above The Law.

<https://medium.com/@randazza/marc-randazza-is-representing-a-defendant-in-a-lawsuit-involving-the-pedobear-meme-1e4318823247>

EXECUTED UNDER THE PENALTIES OF PERJURY THIS 22nd DAY OF MARCH, 2018

s/ Jonathan Monsarrat

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), on March 22, 2018.

/s/ Richard A. Goren